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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,709	03/09/2000	Andres Torrubia-Saez	TRYM0001C	2514

22862 7590 11/19/2003

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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,709

Applicant(s)

TORRUBIA-SAEZ, ANDRES

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 1 and 38 has been fully considered and are entered.

Response to Arguments

2. Applicant's arguments filed 22 October 2003 have been fully considered but they are not persuasive. Applicant's argument that the software package of Molnar does not include an access control portion is not persuasive because Molnar discloses that the preview version (second object) has time trial limitations (access control, usage authorization)(Col. 2, lines 3-14).
3. Applicant's argument with regards to the notifier of the claimed invention is not persuasive because the header of the software package that contains identification information, encryption information, and verification information (Col. 4, line 50 - Col. 5, line 18) can be identified as a notifier of a software program using a broad but reasonable interpretation.
4. Applicant's argument that the Molnar reference does not disclose installing the software package is not persuasive because in order to use the software package according to the time trial limitations (Col. 2, lines 3-14) the software must be installed. Likewise when such an installation occurs, the computer program being installed is saved on the mass storage device of the installing computer system.
5. Applicant's argument that the Molnar reference does not disclose encrypting the software package is not persuasive because the header contains encryption information that is used to decrypt the encrypted portions of the software package (Col. 4, line 55-65).

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6. Applicant's argument that the Molnar reference does not disclose video data objects are not persuasive because Molnar discloses that the software packages may be video games software (Col. 17, lines 8-10).

7. Applicant's arguments, see Amendment A, filed 22 October 2003, with respect to claims 1, 2, 6, 8-11, 13-16, 18 and 19 anticipated by Hartman have been fully considered and are persuasive. The rejections as anticipated by Hartman of claims 1, 2, 6, 8-11, 13-16, 18 and 19 have been withdrawn.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, 8-16, 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Molnar, U.S. Patent No. 5,166,886. Referring to claims 1-3, 8-11, 13-16, 18-20, Molnar discloses the centralized broadcasting of a trial use computer program that contains a restricted subset (first and second objects) of the features of the purchasable version (Col. 16, lines 34-36). Once purchased the user receives a key or validation code (information identifying authorized usage) from the broadcast center that enables the user to obtain the full version of the program (Col. 15, line 55 – Col. 16, line 13).

Referring to claims 4 and 5, Molnar discloses storing the software package on a hard disk (Col. 4, lines 4-6).

Referring to claims 6 and 16, Molnar discloses the program being broadcast to users in encrypted form and the user needing validation information (license, transaction information) to properly decode the information (Col. 4, lines 55-65).

Referring to claim 12, Molnar discloses the software containing video information (Col. 3, line 41).

Referring to claim 21, Molnar discloses payment information comprising credit card or other pay information along with a mailing address (Col. 15, lines 32-34).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar, U.S. Patent No. 5,166,886, in view of Cooper, U.S. Patent No. 5,598,470. Referring to claims 17, Molnar discloses the centralized broadcasting of a trial use computer program that contains a restricted subset (first and second objects) of the features of the purchasable version (Col. 16, lines 34-36). Once purchased the user receives a key or validation code (information identifying authorized usage) from the broadcast center that enables the user to obtain the full version of the program (Col. 15, line 55 – Col. 16, line 13). Molnar does not disclose having the user agree to the software terms. Cooper discloses a trial period use of software wherein the user is displayed the sales agreement or license agreement (Col. 21, lines 29-31). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to display a software agreement to the user in order to show the user what they are licensed to do with the software.

12. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar, U.S. Patent No. 5,166,886, in view of Cooper, U.S. Patent No. 5,598,470. Referring to claims 22-28, Molnar discloses the centralized broadcasting of a trial use computer program that contains a restricted subset (first and second objects) of the features of the purchasable version (Col. 16, lines 34-36). Once purchased the user receives a key or validation code (information identifying authorized usage) from the broadcast center that enables the user to obtain the full version of the program (Col. 15, line 55 – Col. 16, line 13). Molnar does not disclose sending characteristics of the user computer system to the software package server. Cooper discloses the software distribution system wherein the system attributes of the user's computer system are used by encrypting the software package utilizing a key based on the computer system information (Col. 7, lines 1-5). Some of the system attributes may include hard disk serial number, format of hard disk, system model number, hardware interface cards, hardware serial number, and other configuration parameters (Col. 14, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use system attributes of the user's computer system for the protection of the software package in order to ensure that only the user's computer system may access the software package as taught in Cooper (Col. 2, lines 10-24).

13. Claims 29-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar, U.S. Patent No. 5,166,886, in view of Cooper, U.S. Patent No. 5,598,470. Referring to claims 29-32, 34-36, Molnar discloses the centralized broadcasting of a trial use computer program that

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contains a restricted subset (first and second objects) of the features of the purchasable version (Col. 16, lines 34-36). Once purchased the user receives a key or validation code (information identifying authorized usage) from the broadcast center that enables the user to obtain the full version of the program (Col. 15, line 55 – Col. 16, line 13). Molnar does not disclose the key or validation code containing a signature. Cooper discloses the decryption key having a signature. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a signature in the key or validation code of Molnar in order for a user of the trial use computer program system of Molnar to verify that the key or validation code that they have purchased is valid and authentic.

Referring to claim 33, Cooper discloses a trial period use of software wherein the user is displayed the sales agreement or license agreement (Col. 21, lines 29-31).

Referring to claim 37, Molnar discloses payment information comprising credit card or other pay information along with a mailing address (Col. 15, lines 32-34).

Referring to claims 38-44, Cooper discloses the software distribution system wherein the system attributes of the user's computer system are used by encrypting the software package utilizing a key based on the computer system information (Col. 7, lines 1-5). Some of the system attributes may include hard disk serial number, format of hard disk, system model number, hardware interface cards, hardware serial number, and other configuration parameters (Col. 14, lines 28-34).

14. Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar, U.S. Patent No. 5,166,886, in view of Drake, U.S. Patent No. 6,006,328. Referring to claims 45-47, Molnar discloses the centralized broadcasting of a trial use computer program that contains a

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restricted subset (first and second objects) of the features of the purchasable version (Col. 16, lines 34-36). Once purchased the user receives a key or validation code (information identifying authorized usage) from the broadcast center that enables the user to obtain the full version of the program (Col. 15, line 55 – Col. 16, line 13). Molnar does not disclose monitoring for class attacks and dump attacks. Drake discloses software security system wherein the operating system is monitored for certain modifications like pointer table modifications (Col. 6, lines 26-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to monitor the trial use computer program system of Molnar for such modifications in order to detect and prevent tampering as taught in Drake (Col. 6, lines 30-31).

15. Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar, U.S. Patent No. 5,166,886, in view of Cooper, U.S. Patent No. 5,598,470, as applied to claims 1, 2, 6, 8, 9, 11, 16, 18-22, 25, 29-38, 41, and further in view of Grantz, U.S. Patent No. 5,564,038. Referring to claims 48-51, Molnar discloses the broadcast center issuing a validation code or key once the broadcast station has approved the transaction or payment (request). This validation code or key enables the user computer to access the full version of the program and store the program on a storage medium on the user's computer. (Col. 15, line 58 – Col. 16, line 13). Molnar discloses the program being broadcast to users in encrypted form and the user needing validation information (license, transaction information) to properly decode the information (Col. 4, lines 55-65). Cooper discloses the software distribution system wherein the system attributes of the user's computer system are used by encrypting the software package utilizing a key based on the computer system information (Col. 7, lines 1-5). Some of the system attributes may include hard disk serial number, format of hard disk, system model number, hardware interface

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cards, hardware serial number, and other configuration parameters (Col. 14, lines 28-34). Cooper discloses the decryption key having a signature. Molnar does not disclose inserting the transaction information in the software as a watermark. Grantz discloses a method and apparatus for providing time trial periods for software wherein a user is provided a program with a date stamp (watermark) and timer (Col. 2, lines 36-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transaction information of Molnar in a watermark in order to provide a method for the validation code or key to be checked when the program is run as taught in Grantz (Col. 2, lines 36-60).

Conclusion

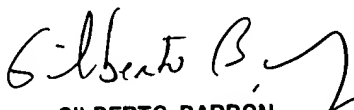
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Benjamin E. Lanier



GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
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